

## REMARKS

Consideration and allowance of the subject application are respectfully requested.

Claims 17-24 and 26 are pending in the application.

Claims 25 and 27-32 have been cancelled without prejudice. Applicants reserve the right to pursue the subject matter of cancelled claim 25 and 27-32.

In response to the Examiner's arguments regarding the Information Disclosure Statement filed 3 January 2005, filed herewith are copies of English abstracts for WO0148580, EP1197251, and FR2814964. Full consideration of these documents is respectfully requested. Attached is the required rule 1.17(p) petition fee of \$180. If this fee is missing or deficient, please charge our deposit account 500687 and proceed to consider the Information Disclosure Statement filed 3 January 2005.

The objection to the Drawings at paragraph 2, on pages 2-3 of the pending Office Action is obviated by the cancellation of claim 25. Accordingly, withdrawal of the objection is respectfully requested.

The rejection of claim 25 under 35 U.S.C. § 112, first paragraph, is obviated by the cancellation of claim 25. Accordingly, withdrawal of the Section 112 rejection is respectfully requested.

The rejection of claim 26 under 35 U.S.C. § 112, second paragraph, is obviated by the amendment to claim 26 set forth above. Claim 26 has been amended as suggested by the Examiner to remove the overlapping claim limitations. Accordingly, withdrawal of the Section 112 rejection is respectfully requested.

The rejection of claims 17, 18, and 21-26 under 35 U.S.C. § 102(b) as being anticipated by U.S. published appl. No. 2001/0039212 (Sawano) is respectfully traversed. The claimed invention is not anticipated by Sawano for the following reasons.

Sawano relates to a game system and portable machines. More particularly, Sawano relates to a game system including a portable game machine and another game machine, wherein executable source code can be downloaded from the other

game machine for execution. This means that Sawano describes how actual game source code is transferred from one portable game machine to another.

In contrast, the present invention recites a game console, a game card in a game system and how the game is played. The present invention recites "the actual gaming," how a game result is generated and how changeable data comprising game related attribute are updated in the system. This means that the present invention recites the flow of gaming data (not source code as in Sawano) as a result of source code execution.

The Examiner states in his comments in paragraphs 7-10 of the pending Office Action that the flow chart of on sheet 12 (Sawano Fig 12A and 12B) which shows flow of source code is equivalent to present claim 17 which describes how the game is played. Applicants submit that Sawano and the present invention are two completely different processes. To simplify it, one could say that Sawano shows a method "to transfer source code" and "not how it works when the source code is executed". In contrast, the present invention recites how the "source code is executed". Therefore, Applicants respectfully submit that the comments in paragraphs 7-10 of the pending Office Action are incorrect and Sawano does not anticipate the claimed invention. Accordingly, withdrawal of the Section 102 rejection is respectfully requested.

The rejection of claims 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Sawano in view of U.S. Patent No. 6,354,940 (Itou) is respectfully traversed. The claimed invention is not taught or suggested by the theoretical combination of Sawano and Itou for the following reasons.

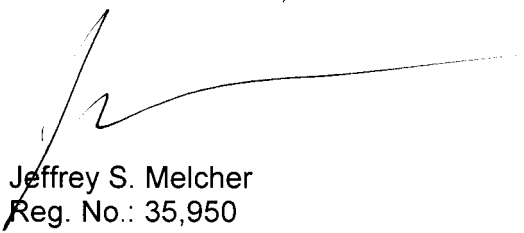
Applicants submit that Sawano and the present invention are two completely different processes for the reasons provided above. Again, one could say that Sawano shows a method "to transfer source code" and "not how it works when the source code is executed". In contrast, the present invention recites how the "source code is executed". Itou does not provide the deficiencies of Sawano. Thus, the combination of Itou and Sawano also only teaches to "transfer source code," which is different from the presently claimed invention. Accordingly, withdrawal of the Section 103 rejection is respectfully requested.

The rejection of claims 27-32 under 35 U.S.C. § 103(a) as being unpatentable over Sawano in view of U.S. Patent No. 6,530,841 (Bull) is obviated by the cancellation of claims 27-32 as set forth above. Accordingly, withdrawal of the Section 103 rejection is respectfully requested.

In view of all of the rejections and objections of record having been addressed, it is believed that the present application is in condition for allowance and Notice to that effect is respectfully requested.

Respectfully submitted,  
Manelli Denison & Selter, PLLC

By



Jeffrey S. Melcher  
Reg. No.: 35,950  
Tel. No.: 202.261.1045  
Fax. No.: 202.887.0336

Customer 20736  
2000 M Street, N.W. , 7<sup>th</sup> Floor  
Washington, D.C. 20036-3307